

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Public Services – Panchayat Raj & Rural Development Department – Sri S. Venkataiah, former Superintendent, Panchayat Raj Division, Mahabubabad of Warangal district – Misappropriated an amount of Rs.6,86,400/- with forged signature of the Executive Engineer Panchayat Raj Division, Mahabubabad – Disciplinary proceedings initiated under Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 – Charges framed – Enquiry conducted – Charges Proved – Imposed a major penalty of dismissal from service, after retirement – Show cause notice issued – Representation received – Imposing a penalty of withholding of entire pension and gratuity, besides recovery of misappropriated amount of Rs.6,86,400/- under Rule 9 of Andhra Pradesh Revised Pension Rules, 1980 – Orders – Issued.

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PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.III) DEPARTMENT

G.O.Ms.No. 366

Dated:27.07.2013,
Read the following:-

- 1) Procgs.No.B1/1388/2008, Dt.14.05.2008 of the CEO, ZPP Warangal.
- 2) WSD of Sri S. Venkataiah, Supdt. (u/s), dt.13.06.08.
- 3) Procgs.No.B1/1388/2007, Dt.21.05.2008 of the CEO, ZPP Warangal.
- 4) Enquiry officer Report dt.21.06.2008.
- 5) Procg.No.B1/1388/2006, Dt.6.8.2008 of the CEO, ZPP Warangal.
- 6) Procgs.No.B1/1388/2006, Dt.19.08.08 of the CEO, ZPP Warangal.
- 7) Judgement dt.23.09.2009 of the Hon'ble APAT in O.A.No.8150 of 2009.
- 8) From the CEO, ZPP Warangal, Lr.No.B1/1388/2006, Dt.28.12.12.
- 9) Govt.Memo.No.12365/Vig.III-A/2008-13, Dt.11.03.2013.
- 10) Explanation dt.27.04.2013 of Sri S. Venkataiah, former
Supdt., PR Division, Mahabubabad of Warangal District.
- 11) Govt. Letter No.12365/Vig.III-A/08-17, dated.28.5.2013.
- 12) From the Secretary, APPSC, Hyd., Lr.No.1218/RT/3/2013,
dated.14.06.2013.

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ORDER:

It had been brought to the notice of the Government by the Chief Executive Officer, ZPP Warangal that Sri S. Venkataiah, while working as Superintendent, in Panchayat Raj Division, Mahabubabad of Warangal district had misappropriated of huge amount of Rs.6,86,400/- with forgery signature of the Executive Engineer, Panchayat Raj Division, Mahabubabad of Warangal district. Accordingly, the Chief Executive Officer, ZPP Warangal initiated disciplinary action by framing Articles of charges against him under rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991. After considering the written statement of defence, the Deputy Chief Executive Officer, ZPP Warangal was appointed as Inquiry Officer to inquire into the charges framed against the charged officer. Since the charges were proved in the enquiry, after following due procedure, the Chief Executive Officer, ZPP Warangal has imposed a major penalty of dismissal from service against the charged officer Sri S. Venkataiah, Superintendent, i.e. after retirement, vide reference 6th read above, by then the Accused Officer was retired from service on 30.06.2008 on attaining the age of superannuation.

2. Aggrieved by the dismissal orders, Sri S. Venkataiah, Superintendent (under dismissal) has filed an OA.No.8150 of 2009 in the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad. The Hon'ble A.P. Administrative Tribunal in its order dt.23.09.2009 has set-aside the impugned dismissal orders issued by the Chief Executive Officer, ZPP Warangal, as the power of the orders to continue the disciplinary proceedings beyond the date of retirement, is available only with the

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Government, as per Andhra Pradesh Revised Pension Rules, 1980 vide reference 7th read above. Accordingly, the Chief Executive Officer, ZPP Warangal has filed Writ Petition No.22304 of 2010 along with stay vacation petition WPMP No.28426 of 2010 in the Hon'ble High Court of Andhra Pradesh against the orders of the Andhra Pradesh Administrative Tribunal, dated:23.09.2009. Accordingly, the Hon'ble A.P. High Court granted interim stay on 7.9.2010.

3. In the reference 8th read above, the Chief Executive Officer, ZPP Warangal while furnishing the record of enquiry has requested the Government, to ratify the action taken by the Chief Executive Officer, ZPP Warangal under A.P. Revised Pension Rules, 1980 against Sri S. Venkataiah, Superintendent who had been dismissed from service after his retirement.

4. Government have examined the proposals of the Chief Executive Officer, ZPP Warangal with reference to orders issued in G.O.Ms.No.25, General Administration (Services.C) Department, dated:03.02.2004, and provisionally decided to impose punishment equivalent to the dismissal from service i.e. punishment of withholding of entire pension and gratuity besides recovery of misappropriated amount of Rs.6,86,400/- against the charged officer Sri S. Venkataiah, former Superintendent (now retired), O/o. Executive Engineer, Panchayat Raj Division, Mahabubabad, Warangal District, under Rule 9 of Andhra Pradesh Revised Pension Rules, 1980, as the gravity of the charges are held proved in the enquiry.

5. Accordingly, in the reference 9th read above, a show cause notice was issued to the Charged Officer Sri S. Venkataiah, former Superintendent (now retired), O/o. Executive Engineer, Panchayat Raj Division Mahabubabad, Warangal District, for calling his explanation as to why a punishment of withholding of entire pension and gratuity besides recovery of misappropriated amount of Rs.6,86,400/- in lieu of dismissal from service shall not be imposed on him for the gravity of the charges held proved in the enquiry under rule 9 of Andhra Pradesh Revised Pension Rules, 1980. He has submitted his explanation in response to the show-cause notice dated 11.03.2013 and requested to pretty in the matter and waive of the punishment awarded by the Chief Executive Officer, ZPP Warangal on humanitarian grounds vide reference 10th read above. Government after examining the explanation submitted by the charged officer have decided to confirm the provisional decision.

6. In the reference 11th read above, the Secretary, Andhra Pradesh Public Service Commission, Hyderabad was addressed for its concurrence to the above decision of the Government and the Andhra Pradesh Public service Commission has agreed with the proposal of the Government, to impose a penalty of withholding of entire pension and gratuity, besides recovery of misappropriated amount of Rs.6,86,400/- against Sri S. Venkataiah, former Superintendent (now retired), office of the Executive Engineer, Panchayat Raj Division, Mahabubabad, Warangal District, vide reference 12th read above.

7. The Government after careful examination of the matter and having the circumstance of the case, have hereby decided and impose a penalty of withholding of entire pension and gratuity against Sri S. Venkataiah, former Superintendent (now retired), office of the Executive Engineer, Panchayat Raj Division, Mahabubabad, Warangal District, besides recovery of misappropriated amount of Rs.6,86,400/- (Rs. Six lakhs eighty six thousand and four hundred only), under Rule 9 of Andhra Pradesh Revised Pension Rules, 1980.

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8. The Commissioner, Panchayat Raj and Rural Employment, Hyderabad / Chief Executive Officer, ZPP Warangal is requested to take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V.NAGI REDDY
PRINCIPAL SECRETARY TO GOVERNMENT (PR)

To

The individual through the Chief Executive Officer, ZPP Warangal.

The Commissioner, Panchayat Raj & Rural Employment, A.P. Hyderabad.

The Chief Executive Officer, ZPP Warangal.

Copy to:-

The Secretary, Andhra Pradesh Public service Commission, Hyderabad.

The Accountant General, Andhra Pradesh Hyderabad.

The Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Hyderabad.

The Government Pleader for Services.II, Andhra Pradesh High Court, Hyderabad.

The Government Pleader for Panchayat Raj,

Andhra Pradesh Administrative Tribunal, Hyderabad.

The P.S. to Hon'ble Minister for PR&RWS.

SF/SC.

// FORWARDED BY ORDER //

SECTION OFFICER.